

**PROVIDENCE CITY COUNCIL MEETING AGENDA**  
**October 27, 2015 6:00 p.m.**  
**15 South Main, Providence UT**

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood  
Roll Call of City Council Members: Mayor Calderwood  
Pledge of Allegiance:

**Approval of the minutes**

**Item No. 1.** The Providence City Council will consider approval of the minutes of September 15, 2015 City Council meeting.

**Item No. 2.** The Providence City Council will consider approval of the minutes of October 20, 2015 City Council meeting.

**Oath of Office:** The Providence City Youth Council will take the oath of office.

**Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

**Board of Equalization:** The Providence City Council, acting as the Board of Equalization, will consider a request from Blake Tullis to correct an assessment of water fees resulting from a water leak.

**Business Items:**

**Item No. 1. Appointment Confirmation:** The Providence City Council will consider a request from Mayor Don Calderwood to confirm the appointment of Rob Stapley as the interim public works director.

**Item No. 2. Resolution 041-2015:** The Providence City Council will consider for adoption a resolution approving the recertification of the Providence City Justice Court.

**Item No. 3. Discussion:** The Providence City Council will discuss paying off the 2001C Water Revenue Bond.

**Item No. 4. Resolution 042-2015:** The Providence City Council will consider for adoption a resolution amending the Providence City Personnel Policy.

**Item No. 5. Report:** Sheriff Chad Jensen will report on services provided by the Cache County Sheriff's Office.

**Item No. 6. Discussion:** Matt Hansen, Sierra Homes, will discuss water requirements for a possible development generally located at 1190 South 400 East.

**Staff Reports:** Items presented by Providence City Staff will be presented as information only.

**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

**Executive Session:**

Item No. 1. The Providence City Council will enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

Item No. 2. The Providence City Council will enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)

Item No. 3. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted the 26 day of October 2015.



Skarlet Bankhead  
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

**PROVIDENCE CITY COUNCIL MEETING MINUTES**

**September 15, 2015**

**6:00 p.m.**

**15 South Main, Providence UT**

Call to Order: Mayor Calderwood

Roll Call of City Council Members: Mayor Calderwood

Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell

Pledge of Allegiance: Mayor Calderwood

**Approval of the minutes**

**Item No. 1.** The Providence City Council will consider approval of the minutes of August 25, 2015 City Council meeting.

**Motion to approve the minutes with the following corrections: J Drew, second – J Baldwin**

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**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Abstained: None**

**Excused: None**

**Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public comments.

Business Items No. 2 and 3 were discussed prior to the Public Hearing.

**Item No. 2. Resolution 033-2015:** The Providence City Council will consider for adoption a resolution appointing Julie Barker to the Providence Historic Preservation Commission.

**Motion to adopt Resolution 033-2105: J Baldwin, second – J Drew**

- J Barker introduced herself to the Council. She has been a resident of Providence since 1999. She was a partner in starting a non-profit fair trade store in Logan, which has been in business two years, all volunteer operated.
- R Call asked which projects J Barker thought would be the highest priorities for the HPC, specifically restoration of homes and various historical aspects of the city or writing of histories and preserving Providence history in that way.
- J Barker said she would have to see what projects have been completed and then decide what the priorities are after her introduction to the HPC. She is involved in genealogy. She feels she would be more inclined to support written histories.
- J Russell asked if she was aware of the time commitment and if she could fulfil that commitment.
- J Barker said she is no longer involved with the store and has time for the HPC.

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Abstained: None**

**Excused: None**

**Item No. 3. Resolution 040-2015:** The Providence City Council will consider for adoption a resolution appointing Kirk Allen for a second term to the Providence City Planning Commission.

**Motion to adopt Resolution 040-2015: B Bagley, second – J Baldwin**

- K Allen is currently serving on the Planning Commission.
- J Russell asked what his experience has been like serving on the Planning Commission.
- K Allen said he has learned much and feels there is a lot going on in the city that the residents are not always aware of; subdivisions, development, ordinances being modified, etc. He feels it is important, now more than ever, that decisions are well planned and well thought out.
- J Baldwin thanked him for his service on Planning Commission and wished him well in his current run for City Council.
- R Call also thanked him for his service but stated he will oppose his reappointment because he feels one



term is enough and also because he feels K Allen has a good chance of being elected to the City Council.

- Mayor Calderwood feels K Allen has served well on Planning Commission and, therefore, recommended him for a second term if he does not get elected to City Council.

**Vote:** Yea: B Bagley, J Baldwin, J Russell  
Nay: R Call, J Drew  
Abstained: None  
Excused: None

**Public Hearing 6:15 pm:** The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposed budget adjustment for Fiscal Year 2016 for the Capital Project Fund before action is taken. The City Council invites you to attend the hearing in order to offer your comments/suggestions.

- S Bankhead reviewed the budget adjustment for Fiscal Year 2016 for the Council. She requested an increase for structural engineering from \$5,000 to \$14,500 to include engineering for electrical and mechanical (which includes the plumbing system) on the recently purchased building that will be the new city office. City engineers will take the design work that the subcontractors have done and put together a bid packet so the city can see what the eventual cost will be.
- No comments from the public.
- B Bagley commented that money has been approved and set aside for the remodel and is wondering why it was suggested to move funds forward bit by bit, thus requiring budget hearings each time.
- J Russell said he wanted to see a study of the expected expense report.
- J Baldwin said he would also like to see this passed at one time so the issue doesn't have to keep coming back for public hearings.
- J Russell said he plans on moving the monies forward tonight as these are expenses already incurred.
- J Drew asked what electrical and mechanical engineering needs to be done other than what was discussed previously.
- S Bankhead said remodels have to be compliant to the current building code. Some of the electrical work for the remodel is not up to code. What isn't being remodeled does not have to be brought up to the current energy code, but what is remodeled will have to be brought to current code. Two bathrooms have to be added.
- B Bagley asked if the restrooms could be unisex.
- S Bankhead said three men's restrooms and three women's restrooms are required before unisex restrooms can be installed.

Public hearing closed at 6:32 p.m.

#### **Business Items:**

**Item No. 1. Resolution 037-2015:** The Providence City Council will consider for adoption a resolution amending the 2016 Budget for the Capital Project Fund.

**Motion to approve Resolution 037-2015: J Baldwin, second – B Bagley**

- J Baldwin noted a correction that needs to be made on the resolution; it should read Increase administrative construction improvements from \$5,000 to \$14,500.

**Vote:** Yea: B Bagley, J Baldwin, J Russell  
Nay: R Call, J Drew  
Abstained: None  
Excused: None

**Item No. 4. Resolution 039-2015:** The Providence City Council will consider for adoption a resolution amending the Development and Public Improvement Installation Agreement for the Zollinger Subdivision; a 2-lot residential subdivision. The property is located at approximately 240 South 325 West, Providence.

**Motion to approve Resolution 039-2015: R Call, second – J Russell**

- S Bankhead said the property to the north of the subdivision is owned by the two developer's father-in-law. In order to make arrangements for storm water, it makes good sense to be able to use the irrigation ditch on Mr. Gustaveson's property to the north. Mr. Gustaveson is okay with accepting the water, but would like a temporary easement so that when that property is developed he has the ability to move the ditch if he so desires. Mr. Gustaveson is requesting the temporary easement and Craig Call, City Attorney, suggested the wording of this resolution.

- J Baldwin had a question about the storm water and where it will go when Mr. Gustaveson's property is developed.
- S Bankhead said when that north property is developed, the developer of that property will be required to incorporate the historical flow into their development. It will be handled in that phase of the development.
- R Call said when that north property is developed, the developer will have to include the storm water from the two lots or the City will not vacate the easement. R Call asked if there will be a water share dedication for the two lots subdivision now.
- S Bankhead said shares will be required.
- J Russell asked if the easement is to make it easier for the developer.
- S Bankhead said this will make it easier for the City. Since this will now be a temporary easement, when the development comes for that property, the City can remove the easement without a public hearing.

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Abstained: None**

**Excused: None**

**Item No. 5. Resolution 038-2015:** The Providence City Council will consider for adoption a resolution approving the Development and Public improvement Installation Agreement for the Providence Hollow (formerly 500 North LLC) Subdivision; a 33-lot residential subdivision located generally at 500 North 450 East.

**Motion to adopt Resolution 038-2015: J Baldwin, second – R Call**

- S Bankhead said this is a standard agreement except the developers have agreed to convey 17 shares of secondary water from Spring Creek Water Company to meet their water requirement. This development agreement incorporates the items approved as part of the annexation agreement. Because of that, there are more off-site improvements and shared development costs with the City. Also, there will be 33 lots so the bond amounts are considerably larger. This should provide a better more consistent development for the City.
- J Baldwin asked if the developer is going to come back and ask for reimbursement from the City or if the reimbursement comes from other developers.
- S Bankhead said it will come from future developers in that area.
- J Baldwin asked if grass is required in the park strip.
- S Bankhead said grass and/or trees are not required, but the developer will be required to keep weeds down until homes are built then home owners will be required to maintain the park strip.
- Brett Skinner, one of the developers, said certain trees will be required in the park strip in the CCR's.
- B Bagley asked if the City would have any maintenance responsibilities for the private park.
- S Bankhead said no responsibility from the City.
- J Baldwin suggested that for future development, the Council ought to consider requiring walking paths and trails in new development.
- S Bankhead said currently the City does not have a budget for trails and walking paths. There should be a budget set up so the City can work with developers for trails and walking paths.
- R Call said there hasn't been enough planning for bikes and walking trails in the City. Also, the City does not want trails to nowhere. A master plan is needed.
- J Drew asked if the trail in the Highlands was maintained by the City or by the developer.
- S Bankhead said the developer put in a private park and trail that will connect with the Bonneville Shoreline Trail. The developer agreed to maintain it and keep it open to the public even though it is a private park. They did this in exchange for a density credit.
- B Skinner said they did incorporate wider sidewalks into the Providence Hollow development in consideration for future development, but the park will remain private.
- J Baldwin felt the wider sidewalks are a good idea in case future development does include a walking system or trails that may connect with the sidewalks in Providence Hollow.

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Abstained: None**

**Excused: None**

**Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- R Eck is on vacation.
- S Bankhead emailed her financial report.
- B Bagley asked about the grant applied for to extend the road by the dental plaza.
- S Bankhead said the presentation was made by R Eck, who did a very good job. It seems it was well received by the Council of Governments. R Eck and S Bankhead are waiting to hear back from them.

**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- B Bagley – no report.
- J Drew – he and Sherman Sanders went to Preston to purchase heads of cabbage from Dick Johnson. These cabbages are much bigger than what has been purchased in the past so two ¾ barrels were made rather than one full barrel. The cabbage was shredded last Saturday at the Old Rock Church. It should be good sauerkraut. J Drew is testing the pH on the sauerkraut. 60 head of cabbage were used.
- R Call – asked when the next council meeting will be. Mayor said October 13, unless a need arises.
- J Russell – no report.
- J Baldwin – no report.
- Mayor Calderwood:
  - Hyrum building appraisal – the appraiser wanted a contract signed by all three mayors. That contract has been signed and the appraisal should be completed next week sometime.
  - Roads - \$800,000 budgeted for roads this year. The engineer's estimate for the three roads proposed came in around \$1.5 M. Two roads are going out for bid next week (300 East and Fuhrman Drive). 400 South still needs work. If the Council is interested, Mayor Calderwood and staff will write a plan that will provide financing options to do the work on all or most of 400 South (depending upon the cost of the other two roads) and present it at the next Council meeting.
- J Drew had a question about the Meet the Candidates night.
- S Bankhead said it will be Tuesday, October 6, at 7 pm, at Providence Elementary School. The questions will be put together by Cache Valley Radio Group.

No executive session.

**Motion to adjourn: J Baldwin, second – R Call**

**Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

**Nay: None**

**Abstained: None**

**Excused: None**

Meeting adjourned at 7:05 pm.

Minutes recorded and prepared by C Craven.

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Don W. Calderwood, Mayor

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Skarlet Bankhead, City Recorder



**PROVIDENCE CITY COUNCIL MEETING AGENDA**  
**October 20, 2015** **7:30 p.m.**  
**15 South Main, Providence UT**

Call to Order: Mayor Calderwood  
Roll Call of City Council Members: Mayor Calderwood  
Council Members: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell  
Pledge of Allegiance:

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public in attendance

Business Items:

Item No. 1. Executive Session:

The Providence City Council will enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council will enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)

Motion to enter into an executive session – J Russell, second – J Drew

Vote:

Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Motion to close the executive session – J Baldwin, second – R Call

Vote:

Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Motion to close the council meeting – R Call, second – J Russell.

Vote:

Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Minutes recorded and prepared by S Bankhead.

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Don W. Calderwood, Mayor

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Skarlet Bankhead, City Recorder



Skarlet Bankhead <[sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov)>

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## Tullis Broken Water Line

1 message

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**Blake Tullis** <[blake.tullis@usu.edu](mailto:blake.tullis@usu.edu)>

Tue, Oct 20, 2015 at 4:25 PM

To: "sbankhead@providence.utah.gov" <[sbankhead@providence.utah.gov](mailto:sbankhead@providence.utah.gov)>

Dear Providence City,

My water line developed a leak between the meter and the house, which resulted in a water line replacement and a very high water bill for September. The following summarizes the details associate with this event.

My August water bill was higher than normal ~\$250 (\$300 total bill for August), which surprised me but wasn't high enough to suspect a water line break. I thought that perhaps the sprinkler ran more frequently than intended or something. While paying bills on Friday, Oct. 2, 2015, I found that my water bill for September was \$903.75.

I shut off the water line and kept it off except for when we needed to shower, wash dishes, or use the washing machine. I spent Saturday and Sunday digging a hole next to the house to find the copper pipe connection point. I found that on Sunday. We dug up the water line on Monday and had it replaced by Tuesday morning.

Once the problem was discovered, we work as quickly as possible to solve it.

I contacted Tara Bankhead to explore the possibility of getting the high water bill forgiven. She replied that she had the ability to forgive ~\$440 of the bill. She also suggested that I contact Skarlet Bankhead to see if further considerations could be made. Based on the fact that we paid a higher than normal water bill in August (because of the undetected leak) and the fact that we had a very quick turn around time on the repair once we were aware of it, I hope the City will be able to forgive a larger portion of the September water bill.

Please let me know if you have any questions.

Sincerely

Blake Tullis

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## Providence City Code

### 8-1-3: FEES:

- A. Service Rates and Connection Fees: The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the City water system shall be fixed from time to time by resolution enacted by the City Council. The City Council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. (1977 Code § 14-117)
- B. Special Rates: The City Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper. (1977 Code § 14-118)
- C. Complaints; Corrections: The City Council is hereby constituted as a Board of Equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person. (1977 Code § 14-119; 1998 Code)

### 8-1-4: STATEMENT OF CHARGES; DELINQUENCY:

- E. Billing Disputes: If any person has a dispute over the correctness of a bill, he should call or visit the Utility Billing Clerk. If the dispute is over the number of gallons of water used during a summer month, the City will do the following:
  - 1. If the reading seems extreme based on previous year's billings, a Public Works employee will check the meter reading for accuracy;
  - 2. If the reading is correct, the employee will check for leaks. If there is a leak between the meter and the main line, it is the responsibility of the City to repair it. This leak does not show up on the customers meter or add to his bill. A leak in any other place is the responsibility of the homeowner, including the connection on the bottom of the setter on the homeowners side.
  - 3. If the meter doesn't appear to be leaking, the employee will test the meter to see that it is calibrating correctly,
  - 4. If the reading is correct, there are no apparent leaks, and the meter is calibrating correctly, the reading will stand. If there has been an error in reading, an adjustment will be made to the resident's next utility bill. If there is a leak on the homeowners side of the meter, and they have it repaired within 30 days of the day the leak is detected, the clerk will adjust the billing based on the following method:
    - a. The Clerk will check the previous two years billing of the same month that the leak is detected.
    - b. Based on these figures, the Clerk will assess what an average bill is for that month. If a person has not lived in the City for two years, the Clerk will use the readings of the previous owner at that address, or if it is a newly constructed home, the minimum charge will apply.
    - c. Any excess above the amount figured by the Clerk to be the average bill will be paid half by the resident and half by the City.
    - d. Unless there are special circumstances, a person's bill will only be adjusted for the month when the leak occurred.
  - 5. The test for meter calibration will be done once a year at no charge. If an additional request is made to have the meter checked, the person making the request will be billed for time and materials. (OM 007-2002 05/14/02)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION REQUESTING THE RECERTIFICATION OF  
THE PROVIDENCE CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 1<sup>st</sup> day of February, 2016; and

WHEREAS, the members of the Providence City Council have received an opinion letter from Kevin J. Fife, Olson & Hoggan, P.C., City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Providence City Council have determined that it is in the best interests of Providence City to continue to provide for a Justice Court;

BE IT RESOLVED, the Providence City Council hereby requests recertification of the Providence City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Providence City Council of Providence City, Utah hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Providence City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this \_\_\_\_ day of \_\_\_\_\_, 2015.

PROVIDENCE CITY, a Utah Municipal Corporation

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

J:\KJF\PROV\ResolutionRecertProvidence Justice Court.2015.doc



# OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

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MILES P. JENSEN  
BRUCE L. JORGENSEN  
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October 7, 2015

Mayor Don W. Calderwood  
Skarlet Bankhead, City Administrator  
Providence City Council  
15 South Main  
Providence, UT 84332

*Re: Opinion Letter Regarding Recertification of Providence Justice Court  
Our File No. N-4545.35*

Dear Mayor Calderwood, Mrs. Bankhead and City Council:

I have reviewed the requirements for the recertification of the Providence City Municipal Justice Court. State law requires a written opinion from the City Attorney advising you of the requirements for the recertification of the Justice Court and of the feasibility of maintaining the Court. This opinion letter is to be submitted with a Court Certification Affidavit completed and signed by the Judge, a copy of a duly passed Resolution of the City Council, requesting the recertification of the Court and affirming the City is willing to meet all requirements for the operation of the Court during the period of certification, and a copy of the City's Court Security Plan (unless it has not changed since the last submittal), to the Justice Court Standards Committee of the Administrative Office of the Courts, Attention: Richard Schwermer, P.O. Box 140241, Salt Lake City, UT 84114-0241 by October 30, 2015, in order to properly apply for the recertification of the Court. I enclose the Resolution which was included with the paperwork I received, prepared for adoption. It should be adopted by the City Council, as directed.

The Utah Judicial Council, pursuant to state statute, has set forth the operational standards and the minimum requirements for a justice court. It is my understanding that copies of the statutory operational standards, minimum courtroom/office standards, and the Judicial Council's minimum operational standards/requirements for your court have been sent directly to the City and given to the Judge, so I won't send another set of copies, unless you request them. Please note that these are the minimum requirements and it may be necessary for the Court to exceed these minimum requirements

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Mayor Don W. Calderwood  
Skarlet Bankhead, City Administrator  
Providence City Council  
October 7, 2015

depending on the caseload and the requirements from the state once they have reviewed your application.

In reviewing the operational standards and requirements, it is my opinion that Providence City meets, or can take steps to meet, all requirements concerning the judge, clerks and facilities. Also, the City meets, or will meet as required, all requirements concerning prosecution, indigent defense, legal resources, law enforcement, bailiff, jury/witness fees, education and reporting.

Based upon my review of the operational standards and minimum requirements, upon my discussions with appropriate City officials, and upon my knowledge of the operation of your Justice Court, together with the facts that the Court has been operating for many years now and Judge Funk has many years' experience as a Municipal Justice Court Judge, it is my opinion that it is feasible for Providence City to maintain its Justice Court. I anticipate that the services rendered will continue to be professional and that the Justice Court will continue to provide satisfactory services to Providence City.

Judge Funk and his staff have done an excellent job in operating the Court. It is my opinion that the Providence City Municipal Justice Court can be maintained and that the City should file for recertification with the State Court Administrator's Office.

If I can be of further assistance concerning the recertification process, do not hesitate to contact me.

Very truly yours,

OLSON & HOGGAN, P.C.



Kevin J. Fife

KJF

Enclosure

J:\KJF\Prov\DCalderwood.doc

## Resolution 041-2015

A RESOLUTION AMENDING THE PROVIDENCE CITY PERSONNEL POLICY SECTION 3 AFFIRMATIVE ACTIONS BY ADDING ARTICLE IV NON-FRATERNIZATION.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

- Providence City uniform personnel rules and regulations are established to assure fair treatment of all employees in all personnel actions.
- The following amendments have been suggested by Council Member Jeff Baldwin:

### Article II, Anti-Nepotism

#### A. For purposes of this section

1. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

2. "Direct supervision" means an individual who has direct or indirect control over an employee through direct reporting or reporting through additional layers of supervision.

#### B. Policy:

1. It is the .....

2. No relative is permitted to work for another relative where the chain of command clearly indicates that the relative of higher position will have control over or exercise influence over the other relative, even if through one or more layers of non-related supervision.

#### C. Causes for disciplinary action

1. Causes ....

j. Sexual harassment and any sexual conduct/contact during business hours and/or on city properties, vehicles, etc.

u. Romantic involvement including but not limited to sexual activity between supervisor and subordinate employee.

#### E. Appeal Process

Paragraph 2 and 3, change from "Mayor" to "Council approved appeal designee"

THEREFORE be it resolved by the Providence City Council:

- The above amendments shall be added to the Personnel Policy Providence City Corporation.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 27 day of October, 2015.

#### Council Vote:

Bagley, Bill	( ) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	( ) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Call, Ralph	( ) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

Resolution 041-2015

Personnel Policy Amendments



Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

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Don W Calderwood, Mayor

Attest:

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Skarlet Bankhead, Recorder